

**Notice of Allowability**

Application No.

10/676,902

Examiner

Kagnew H. Gebreyesus

Applicant(s)

SCHNORR ET AL.

Art Unit

1652

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/11/06.
2. ☒ The allowed claim(s) is/are 74, 76, 77, 79, 80 and 82-101.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____  |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made for this application which claims priority or the benefit under 35 U.S.C. 119 of U.S. Provisional Application Nos. 60/491,131 and 60/417,733, filed on July 29, 2003 and October 9, 2002, respectively, and Danish application nos. PA 2003 01096 and PA 2002 01459, filed on July 22, 2003 and October 1, 2002, respectively.

### ***Oath/Declaration***

Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth. Applicants have not provided the post office address for two out of the four inventors in this application as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

### ***Status of Claims:***

Claims 60-73, 75, 78 and 81 are cancelled. Claims 74 and 85 are amended and new claims 88-101 have been added.

An extension of time under 37 CFR 1.136(a) is required to place this application in condition for allowance. During a telephone conversation conducted on, September 8, 2006 and further September 11, 2006, Attorney Elias Lambiris requested an extension of time for two MONTH(S) and authorized the Director to charge Deposit Account No. 50-1701 the required fee of \$570 (\$1020 minus previously paid \$ 450) for this extension.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Elias Lambiris on 9/13/2006.

Specification: On page 3 of the specification, delete hyperlink: "(http://afmb.cnrs-mrs.fr/CAZY/)".

Replace line 1-7 of claim 74 with:

An isolated glycoside hydrolase 61 (GH-61) polypeptide which is **selected from the group consisting of:**

(a) a polypeptide that has an amino acid sequence which has at least 95% identity to: amino acids 1-216 of SEQ ID NO: 2, amino acids 1-304 of SEQ ID NO: 4, **or** amino acids 1-204 of SEQ ID NO: 6;

(b) a polypeptide which is encoded by a nucleotide sequence which hybridizes under **high** stringency conditions with any of the following polynucleotide probes:

Art Unit: 1652

Claim 86: add at the end of the claim **“respectively”**.

Claims 74, 76-77, 79-80, 82-101 are allowed.

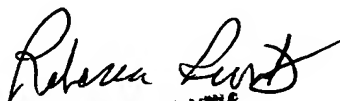
The isolated polypeptide sequences of SEQ ID NO: 2, 4 and 6 and variants having at least 95% identity to said polypeptide sequences, a method of preparing an edible product using said polypeptides, a composition of dough comprising said polypeptide(s) have not been disclosed by the prior art. Therefore claims 74, 76-77, 79-80, 82-101 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kagne H. Gebreyesus whose telephone number is 571-272-2937. The examiner can normally be reached on 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Achutamurthy ponnathapura can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kagne H. Gebreyesus PhD.

  
REBECCA E. PROBST  
PRIMARY EXAMINER  
GROUP 1000  
1652